

The Honorable Marsha J. Pechman

Trial Date: October 27, 2014

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DEBI HUMANN,

Plaintiff,

vs.

CITY OF EDMONDS, a municipal  
corporation; and MICHAEL COOPER,  
in his individual and official capacities,

Defendants.

CASE NO.: 2:13-cv-00101-MJP

~~PROPOSED~~ PRETRIAL ORDER

I. JURISDICTION

The Court has jurisdiction over Ms. Humann's federal claims under 28 U.S.C § 1331 and 28 U.S.C. § 1343(a). The Court has supplemental jurisdiction over Ms. Humann's state law claims under 28 U.S.C. § 1367(a).

II. CLAIMS AND DEFENSES

Ms. Humann claims that the City of Edmonds wrongfully terminated her in violation of Washington public policy when Mayor Cooper terminated her in September 2011 and when Mayor Earling laid her off in December 2011. She is pursuing First Amendment retaliation claims against the City based on the City Council's decision to eliminate funding for the Human Resources Director position in November 2011 and for Mayor Earling's decision to lay her off in December 2011. Ms. Humann also claims that defendant Micheal

1 Cooper and the City of Edmonds deprived her liberty interest without Fourteenth  
2 Amendment due process and defamed her. Defendants deny all claims.

3  
4 **III. ADMITTED FACTS**

5 The following facts are admitted by the parties:

6 1. Plaintiff Debi Humann worked at the City of Edmonds for 12 years. She  
7 spent 11 of those years working in the Human Resources Department.

8 2. Ms. Humann was promoted to Human Resources Manager in 2004 by former  
9 Mayor Gary Haakenson. Ms. Humann was promoted to Human Resources Director in July  
10 2008 by former Mayor Haakenson.

11 3. The Human Resources Director at the City of Edmonds is an at-will position.

12 4. Human Resources Analyst Mary Ann Hardie reported to Ms. Humann. Ms.  
13 Hardie and Ms. Humann were the only two employees in the Human Resource Department  
14 during the times at issue in this case.

15 5. In July 2010, the Edmonds City Council appointed Defendant Micheal Cooper  
16 to complete the term of the prior mayor, Gary Haakenson.

17 6. In August 2010, Mayor Cooper hired Kimberly Cole as his Executive  
18 Assistant.

19 7. Mayor Cooper was Ms. Cole's direct supervisor. He approved her exception  
20 time sheet reports.

21 8. The Mayor's Executive Assistant is an "exempt" position which is paid by  
22 salary, not by an hourly wage.

23 9. When Ms. Humann informed Mayor Cooper in September 2011 that the State  
24 Auditor's office had requested records relating to Cole's attendance and exception time  
25 sheets, Cooper instructed her to cooperate with the Auditor's office.

26 10. On September 22, 2011, Mayor Cooper discharged Ms. Humann from  
27 employment.  
28

1 11. Mayor Cooper announced his decision to terminate Ms. Humann in a  
2 statement that was sent to the City Council, all City Directors, and local press. Mayor  
3 Cooper stated:

4 I am sending this email to inform you that Debi Humann is  
5 [no] longer employed by the City. This is not a decision that  
6 came lightly but a change was needed. The city's ability to  
7 function relies on a relationship between the Mayor and staff  
8 that is based on the highest level of trust and confidentiality.  
9 That level of trust has deteriorated to a place where I no  
10 longer had confidence in her ability to do the job and to work  
11 effectively with me. In order to have the public trust the city  
12 needs a committed staff that maintains that highest level of  
13 trust with the mayor and council.

14 12. On September 22, 2011, Mayor Cooper appointed Parks Recreation and  
15 Community Services Director Carrie Hite to take on additional duties as of Interim Human  
16 Resources Director.

17 13. Following Ms. Humann's termination, Mayor Cooper appointed Human  
18 Resource Analyst Mary Ann Hardie to Acting Human Resources Manager:

19 14. On October 12, 2011, Ms. Humann filed a complaint with the City challenging  
20 her termination pursuant to City of Edmonds Personnel Policy 10.3 and the Local  
21 Government Employee Whistleblower Protection Act, RCW 42.41.050. Ms. Humann's  
22 complaint sought reinstatement to her position as Human Resources Director, full back pay  
23 and benefits, and attorney's fees and costs

24 15. On October 13, Ms. Humann's attorney, Cliff Freed, issued a press release  
25 regarding the complaint. In addition, Ms. Humann made statements to the press in which  
26 she asserted that she was fired for whistleblowing activity.

27 16. David Earling defeated Mayor Cooper in the November 6 election.

28 17. As Mayor, Cooper and his administrative staff created and proposed a budget  
for 2012. Cooper's proposed 2012 budget contained no proposal to eliminate the Human  
Resources Director position, nor to eliminate funding for this position.

18. November 22, 2011, was Mayor Cooper's last City Council meeting in office.

1           19.     On November 22, 2011 the City Council voted to amend the proposed 2012  
2 budget by eliminating funding for the vacant Human Resources Director position, effective  
3 January 1, 2012. The Council passed Ordinance No. 3861 adopting the 2012 budget with  
4 the amendment.

5           20.     Mayor Earling was sworn into office on November 29, 2011.

6           21.     On December 13, 2011, Mayor Earling announced he had decided to reinstate  
7 Ms. Humann to her position as Human Resources Director and lay her off on December 31,  
8 2011.

9           22.     Mayor Earling reinstated Ms. Humann as Human Resources Director for two  
10 weeks from December 15 to December 31.

11           On December 31, 2011, the City of Edmonds laid off Ms. Humann. **IV. THE CITY**

12                               **OF EDMONDS' AFFIRMATIVE DEFENSES**

13           1.     Failure to Mitigate Damages: Plaintiff failed to mitigate damages by declining  
14 job offers made to her.

15           2.     Legislative Immunity/Deliberative Process privilege: The City cannot be  
16 liable for legislative decisions made by the City Council, nor can local legislators be  
17 questioned about their individual motives for voting on proposed legislation.

18           3.     Absolute/Qualified Privilege (defamation): Statements made by Mayor  
19 Cooper in his official capacity regarding City matters are privileged and therefore not  
20 actionable in defamation.

21           4.     Collateral Estoppel: Plaintiff should be estopped from seeking backpay that  
22 she has already recovered for the period of September – December of 2011.

23           5.     Accord & Satisfaction: The City has previously satisfied Plaintiff's claim for  
24 backpay for September – December of 2011.

25                               **V. DEFENDANT COOPER'S AFFIRMATIVE DEFENSES**

26           1.     Defendant Cooper is entitled to qualified and absolute immunity.

27           2.     Defendant Cooper's statements relating to Plaintiff were true, opinion, not  
28

1 provably false, fair comment, protected speech, privileged and not defamatory.

2 3. Plaintiff's claim for back pay and other damages which resulted from  
3 Defendant Cooper's decision to discharge her from employment are barred by the doctrines  
4 of res judicata, collateral estoppel, issue preclusion and/or claim preclusion.

5 4. There has been an accord and satisfaction as to Plaintiff's claim for back pay  
6 and other damages which resulted from Defendant Cooper's decision to discharge her from  
7 employment.

8 5. Plaintiff has failed to mitigate damages.

9 6. In the event there is a judgment entered against Defendant Cooper, he is  
10 entitled to an offset for advance payments made by or on behalf of the defendants, including  
11 the sums paid as a result of the settlement of Plaintiff's administrative claim for back pay  
12 and other damages.

#### 13 VI. STIPULATED ISSUES OF LAW

14 1. As Mayor, Defendant Cooper had final policy making authority from the City  
15 of Edmonds regarding issues of employment.

16 2. Defendant Cooper was acting as the final policy maker for the City of Edmonds  
17 when he terminated Ms. Humann and when he made a public statement about her  
18 termination.

19 3. Defendant Cooper was acting within the scope of his authority as Mayor of  
20 the City of Edmonds when he made a public statement about Ms. Humann's termination.

21 4. Mayor Earling had final policy making authority from the City of Edmonds  
22 regarding issues of employment.

23 5. Mayor Earling was acting as the final policy maker for the City of Edmonds  
24 when he decided to reinstate and layoff Ms. Humann.

25 6. Mayor Earling was acting within the scope of his authority as Mayor of the  
26 City of Edmonds when he decided to reinstate and layoff Ms. Humann.  
27  
28

7. Ms. Humann accepted an offer of judgment from the City of Edmonds regarding her claim for back pay and benefits from the date of her September 22, 2011 termination until her December 15, 2011 reinstatement. Humann received \$33,000.00 for her back pay and benefits, plus \$5,500.00 in pre-judgment interest, \$48,533.80 in attorneys' fees, and \$3,223.40 in costs.

## VII. PLAINTIFF'S ISSUES OF LAW

The following are the issues of law remaining to be determined by the Court:

1. At the close of evidence Ms. Humann intends to move under Rule 50 for a ruling that, even if accepted as true, the City's asserted reasons for terminating and laying off Ms. Humann cannot, as a matter of law, be an overriding justification that outweighs Washington public policy.

2. Whether Ms. Humann should be permitted to call an adverse witness, use leading questions, and limit the testimony of that witness to the scope of Plaintiff's direct examination.

Plaintiff reserves the right to supplement this section if significant legal issues remain that should be addressed by the Court.

## VIII. DEFENDANT CITY OF EDMONDS' ISSUES OF LAW

Defendant City of Edmonds agrees many of the issues of law that would arise at trial will likely be addressed in the court's ruling on the motions for summary judgment and in relation to proposed jury instructions. In addition, the court may need to decide:

1. Whether Plaintiff is estopped from pursuing back pay for the period September – December of 2011, given her acceptance of a prior offer of judgment that compensated her for that period. This issue/evidence should not go to the jury, but should be decided by the court.

2. Whether Plaintiff should be barred from seeking front pay beyond December 31, 2011 in light of the fact that the position of Human Resources Director was not included in the 2012 budget legislatively adopted by the Edmonds City Council.



3. Whether Plaintiff should be barred from seeking reinstatement in light of the fact that the position of Human Resources Director was not included in the 2012 budget legislatively adopted by the Edmonds City Council and she is afforded an adequate remedy at law.

Defendant reserves the right to supplement this section if significant legal issues remain that should be addressed by the court.

#### IX. DEFENDANT COOPER'S ISSUES OF LAW

1. Whether Defendant Cooper is entitled to absolute and/or qualified immunity.

2. Whether Defendant Cooper's statements relating to Plaintiff were opinion, not provably false, fair comment, protected speech, privileged and/or not defamatory.

3. Whether Plaintiff's claim for back pay and other damages which resulted from Defendant Cooper's decision to discharge her from employment are barred by the doctrines of res judicata, collateral estoppel, issue preclusion and/or claim preclusion.

4. Whether there has been an accord and satisfaction as to Plaintiff's claim for back pay and other damages which resulted from Defendant Cooper's decision to discharge her from employment.

5. Whether, in the event there is a judgment entered against Defendant Cooper, he is entitled to an offset for advance payments made by or on behalf of the defendants, including the sums paid as a result of the settlement of Plaintiff's administrative claim for back pay and other damages.

6. Whether Plaintiff should be barred from calling Nancy Bartley as a witness because plaintiff never disclosed this person as a possible witness in initial disclosures, during discovery or in her pretrial statement.

#### X. EXPERT WITNESSES

The names and addresses of the expert witnesses to be used by each party at trial and the issue upon which each will testify is:

**A. On behalf of plaintiff:**

- 1  
2 1. Robert T. Patton, Ph.D. *Will Testify*  
3 1100 Chuckanut Crest Lane  
4 Bellingham, WA 98229

5 Dr. Patton will testify regarding Ms. Humann's economic damages.

- 6 2. James C. Webber *Will Testify*  
7 Jim Webber Training-Consulting-Investigations  
8 218 Main Street, PMB 304  
9 Kirkland, WA 98033  
10 (206) 601-9249

11 Mr. Webber will be called to testify about his investigation into Ms. Cole's  
12 allegations of hostile work environment, his communications with City employees, officials,  
13 and attorneys, and his investigation findings and report.

**B. On behalf of defendant City of Edmonds:**

- 14 1. Claire Cordon *May Testify*  
15 200 1<sup>st</sup> Avenue W., Suite 402  
16 Seattle, WA 98119-4923

17 The City of Edmonds may call Ms. Cordon to testify regarding Human Resources  
18 practices and management, reasonable expectations of a Human Resources Director. Ms.  
19 Humann's qualifications and performance in the role of Human Resources Director, and  
20 Mayor Cooper's expectations and evaluation of Plaintiff's performance in the position.

**XI. OTHER WITNESSES**

21 The names and addresses of witnesses, other than experts, to be used by each party at  
22 the time of trial and the general nature of the testimony of each are:

**A. On behalf of plaintiff:**

- 23 1. Nancy Bartley *May Testify*  
24 Seattle Times  
25 1000 Denny Way,  
26 Seattle, WA 98109  
27 (206) 464-2111

28 Ms. Bartley is a journalist who may testify about statements made to the media by  
City officials and employees.



*Will Testify*

Ms. Humann will testify about her employment at the City of Edmonds, the City's Human Resources Department, Ms. Cole's attendance, her termination, the elimination of funding for the Human Resources Director, her reinstatement and layoff, the media coverage and public attention surrounding these events, and the damages she suffered as a result of defendants' conduct. She may also be called to testify about Ms. Cole's reputation for honesty.

Possible Witness Only

Ms. Cates may be called to testify about Plaintiff's job performance, the decision to terminate Plaintiff's employment on September 22, 2011, the September 2011 settlement negotiations between Mayor Cooper and Kimberly Cole, and/or Ms. Cates' knowledge of employment law.

Possible Witness Only

Ms. Chase may be called to authenticate City records, to testify regarding certain requests for public records, and Plaintiff's job performance.

*Will Testify*

Mr. Clifton will be called to testify about his knowledge regarding Ms. Cole's attendance. He also will be called to testify about Ms. Humann's job performance and her role in attempting to prevent misconduct as it relates to Ms. Cole's attendance and pay. He





(206) 623-8861

Ms. Hardie will be called to testify about the City's Human Resources Department, Ms. Humann's job performance, Ms. Cole's attendance, timesheets, and job performance, and the decisions to terminate Ms. Humann in September 2011, eliminate funding for the Human Resources Director position in November 2011, and reinstate and layoff Ms. Humann in December 2011. She may also be called to testify about Ms. Cole's reputation for honesty.

14. Carrie Hite *Will Testify*  
c/o Jayne L. Freeman  
Keating Bucklin & McCormack  
800 Fifth Avenue, Suite 4141  
Seattle, WA 98104-3175  
(206) 623-8861

Ms. Hite will be called to testify concerning her performance of duties formerly completed by the Human Resource Director, and the structure and function of the Humann Resources Department after September 22, 2011. She will also be called to testify about Ms. Humann's performance, termination, the elimination of funding for the Human Resources Director position and Ms. Humann's reinstatement and layoff.

15. Strom Peterson *Will Testify*  
c/o Jayne L. Freeman  
Keating Bucklin & McCormack  
800 Fifth Avenue, Suite 4141  
Seattle, WA 98104-3175  
(206) 623-8861

Mr. Peterson will be called to testify about Ms. Humann's job performance, Ms. Cole's attendance, Ms. Humann's September 22, 2011 termination and October 12, 2011 whistleblower complaint, the City Council's decision to eliminate funding for the Human Resources Director position, and Ms. Humann's reinstatement and layoff. He will also be called to testify about City Council meetings and his communications with others regarding the 2012 budget and/or Ms. Humann.

16. Kim Michael Plunkett *Possible Witness Only*  
2628 – 39<sup>th</sup> Avenue West  
Seattle, WA 98199

Mr. Plunkett will be called to testify about the City Council's decision to eliminate funding for the Human Resources Director position, and Ms. Humann's reinstatement and layoff.

17. Jeffrey Taraday *Possible Witness Only*  
Lighthouse Law Group  
1100 Dexter Avenue N., Suite 100  
Seattle, WA 98109-3598  
(206) 273-7440

Mr. Taraday may be called to testify about his interactions with Ms. Humann, the timing of his communications with City officials and employees regarding Ms. Humann, and/or his knowledge of employment law.

18. Jim Tarte, Finance Director *Possible Witness Only*  
4733 – 48<sup>th</sup> Avenue NE  
Seattle, WA 98005

Mr. Tarte may be called to testify about Ms. Humann's job performance, Ms. Cole's attendance, timesheets, and pay. He may also be called to testify about the 2012 budget process and the City Council's decision to eliminate funding for the Human Resources Director position.

19. Bob Uptagraft *Will Testify*  
c/o Frank Freed Subit & Thomas  
705 Second Avenue, Suite 1200  
Seattle, WA 98104-1798  
(206) 682-6711

Mr. Uptagraft will be called to testify about the emotional distress and reputational harm Ms. Humann suffered as a result of defendants' conduct.

20. James C. Webber *Will Testify*  
Jim Webber Training-Consulting-Investigations  
218 Main Street, PMB 304  
Kirkland, WA 98033  
(206) 601-9249

1 Mr. Webber will be called to testify about his investigation into Ms. Cole's  
2 allegations of hostile work environment, his communications with City employees, officials,  
3 and attorneys, and his investigation findings and report.

4 21. D.J. Wilson *Possible Witness Only*  
5 3500 – 188<sup>th</sup> Street SW, Ste 590  
6 Lynnwood, WA 98037

7 Mr. Wilson may be called to testify about the decisions to terminate Ms. Humann,  
8 eliminate funding for the Humann Resources Director position, and reinstate and layoff Ms.  
9 Humann.

10 22. Phil Williams *Will Testify*  
11 c/o Jayne L. Freeman  
12 Keating Bucklin & McCormack  
13 800 Fifth Avenue, Suite 4141  
14 Seattle, WA 98104-3175  
15 (206) 623-8861

16 Mr. Williams will be called to testify about Ms. Humann's job performance and  
17 reputation, Ms. Cole's attendance and job performance, Ms. Humann's termination, the  
18 elimination of funding for the Human Resources Director, and Ms. Humann's reinstatement  
19 and layoff. He may also be called to testify about Ms. Cole's reputation for honesty.

20 23. Teresa Wippel *Possible Witness Only*  
21 23800 74<sup>th</sup> Avenue W  
22 Edmonds, WA 98026

23 Ms. Wippel is a journalist who may testify about statements made to the media by  
24 City officials and employees.

25 24. Pat Ratliff, Editor *Possible Witness Only*  
26 Edmonds Beacon  
27 806 5th Street  
28 Mukilteo, WA 98275

Mr. Ratliff is a journalist who may testify about statements made to the media by City  
officials and employees.

25 25. Oscar Halpert *Possible Witness Only*  
The Daily Herald Company



PO Box 930  
Everett, WA 98206

Mr. Halpert is a journalist who may testify about statements made to the media by City officials and employees.

26. Dave Gossett *Possible Witness Only*  
5006 239<sup>th</sup> Pl SW  
Mountlake Terrace, WA 98043

Mr. Gossett may be called to testify about Ms. Cole's employment at the Snohomish County Council, Defendant Cooper's supervision of Ms. Cole, efforts to investigate and discipline Ms. Cole for attendance, and Mr. Gossett's communications with Defendant Cooper regarding these matters. He may also be called to testify about Ms. Cole's reputation for honesty.

27. Don Gough *Possible Witness Only*  
Mayor of Lynnwood  
19100 4<sup>th</sup> Avenue W.  
Lynnwood, WA 98046-5008

Mr. Gough may testify about the attendance of Kimberly Cole as an elected City Councilwoman and efforts to investigate and discipline Ms. Cole for attendance. He may also be called to testify about Ms. Cole's reputation for honesty.

28. Loren Simmonds *Possible Witness Only*  
Lynnwood City Council President  
19100 4<sup>th</sup> Avenue W.,  
Lynnwood, WA 98046-5008

Mr. Simmonds may testify about the attendance of Kimberly Cole as an elected City Councilwoman and efforts to investigate and discipline Ms. Cole for attendance. He may also be called to testify about Ms. Cole's reputation for honesty.

The following additional witnesses may be called to testify for the limited purpose of authenticating documents in the absence of a stipulation or judicial notice thereto, except where noted:

29. Scott Passey *Possible Witness Only*  
c/o Jayne L. Freeman

1 Keating Bucklin & McCormack  
2 800 Fifth Avenue, Suite 4141  
3 Seattle, WA 98104-3175  
4 (206) 623-8861

5 Mr. Passey may be called to testify about the authenticity of certain City of Edmonds  
6 public records.

7 30. Records Custodian – Seattle University School of Law *Possible Witness*  
8 Sheila D. Underwood, Registrar *Only*  
9 901 12<sup>th</sup> Ave.,  
10 Sullivan Hall  
11 PO Box 22200  
12 Seattle, WA 98122-1090  
13 (206) 398-4150

14 This individual may be called to testify about the authenticity of certain business  
15 records.

16 31. Records Custodian – Snohomish County Council *Possible Witness Only*  
17 Norma Middleton, HR Systems Manager  
18 3000 Rockefeller Avenue  
19 Everett, WA 98201  
20 (425) 388-3411

21 This individual may be called to testify about the authenticity of certain public  
22 records.

23 32. Records Custodian – Lynnwood City Council *Possible Witness Only*  
24 Debbie Karber, Deputy City Clerk  
25 191004 4<sup>th</sup> Avenue W.  
26 Lynnwood, WA 98046-5008  
27 (425) 670-5000

28 This individual may be called to testify about the authenticity of certain public  
records.

33. Public Records Officer *Possible Witness Only*  
Washington State Auditor's Office  
Sunset Building -- PO Box 40031  
Olympia, WA 98504

This individual may be called to testify about the authenticity of certain public  
records.

34. Mia Wadleigh  
Frank Freed Subit & Thomas LLP  
705 2<sup>nd</sup> Ave, suite 1200  
Seattle, WA 98144  
(206) 682-6711

*Possible Witness Only*

Ms. Wadleigh may be called to testify about the authenticity of trial exhibits, and public records.

35. Sheila Romoff  
Frank Freed Subit & Thomas LLP  
705 2<sup>nd</sup> Ave, suite 1200  
Seattle, WA 98144  
(206) 682-6711

*Possible Witness Only*

Ms. Romoff may be called to testify about the authenticity of trial exhibits, public records, and/or the deposition of Kimberly Cole.

**B. On behalf of defendant City of Edmonds:**

Defendants anticipate they will or may call the following witnesses at trial; however, the designation of witnesses and scope of testimony may change depending on the court's ruling on the pending motions for summary judgment.

**Will Testify:**

1. Micheal Cooper, former Mayor of Edmonds  
c/o John T. Kugler  
Turner Kugler Law, PLLC  
4700 - 42nd Avenue SW, Suite 540  
Seattle, WA 98116  
(206) 659-0679

Mr. Cooper will testify regarding Plaintiff's employment with Edmonds and City operations while he served as Mayor, his decision to terminate her employment, observations of, communications with and regarding Plaintiff, post-termination communications and statements, structure and organization of the City of Edmonds government and operations. If necessary, he may also testify regarding the Council's adoption of the 2012 budget as well.

2. Dave Earling, Mayor of Edmonds  
c/o Jayne L. Freeman

1 Keating, Bucklin & McCormack, Inc., P.S.  
2 800 Fifth Avenue, Suite 4141  
3 Seattle, WA 98104  
4 (206) 623-8861

5 Mayor Earling will testify regarding his decisions related to Plaintiff's employment  
6 and communications with Plaintiff after he was elected in 2011, functioning of the Human  
7 Resources Department and the City during his administration, and regarding the subsequent  
8 organization, operations, needs, and performance of the Human Resources Department at the  
9 City. Mayor Earling may also testify regarding the governmental and operational  
10 organization and structure of the City of Edmonds, budget process, and City operations.

11 3. Jim Tarte, former Interim Finance Director  
12 630 SW 149th Street, Suite B  
13 Burien, WA 98106  
14 (206) 248-9647

15 Mr. Tarte will testify regarding knowledge of facts related to Plaintiff's employment,  
16 interactions with Plaintiff and Mayor Cooper, the State Auditor's 2011 audit, information  
17 provided to the State Auditor, and the City's finance and payroll operations.

18 4. MaryAnn Hardie, Human Resources Manager  
19 City of Edmonds  
20 121 5th Avenue N.  
21 Edmonds, WA 98020  
22 (425) 775-2525

23 Ms. Hardie will testify regarding working in the Human Resources Department at  
24 Edmonds, work with and/or communications with Plaintiff, Mayor Cooper, and others  
25 regarding Plaintiff's employment, organization, operations and functioning of the Human  
26 Resources Department and work completed prior to and subsequent to Ms. Humann's  
27 termination.

28 5. Carrie Hite Parks, Recreation, Cultural Services Director and HR Reporting  
Director  
c/o Jayne L. Freeman  
Keating, Bucklin & McCormack, Inc., P.S.  
800 Fifth Avenue, Suite 4141

1 Seattle, WA 98104  
2 (206) 623-8861

3 Ms. Hardie will testify regarding work and/or communications with Plaintiff, Mayor  
4 Cooper and others regarding Plaintiff's employment, organization, budgeting, operations and  
5 functioning of the Human Resources Department and the City, including work completed  
6 prior to and subsequent to Ms. Humann's termination. She also may testify regarding  
7 information provided to the State Auditor and may have worked with and/or communicated  
8 with Plaintiff.

9 6. Sandy Chase, Former City Clerk  
10 c/o Jayne L. Freeman  
11 Keating, Bucklin & McCormack, Inc., P.S.  
12 800 Fifth Avenue, Suite 4141  
13 Seattle, WA 98104  
14 (206) 623-8861

15 Ms. Chase will testify regarding working and/or communicating with Plaintiff, Mayor  
16 Cooper, and others at the City of Edmonds, as well as her role and procedures involved in  
17 responding to Public Records Requests, and City operations.

18 7. Sharon Cates, Lighthouse Law Group, Asst. City Attorney  
19 c/o Jayne L. Freeman  
20 Keating, Bucklin & McCormack, Inc., P.S.  
21 800 Fifth Avenue, Suite 4141  
22 Seattle, WA 98104  
23 (206) 623-8861

24 Ms. Cates will testify regarding communications with Plaintiff and/or observed  
25 conduct by Plaintiff. By identifying Ms. Cates as an individual with knowledge of facts, the  
26 City does not intend to waive any attorney-client, work product, executive session, or other  
27 privileges that may apply.

28 8. Jeff Taraday, Lighthouse Law Group, City Attorney  
c/o Jayne L. Freeman  
Keating, Bucklin & McCormack, Inc., P.S.  
800 Fifth Avenue, Suite 4141  
Seattle, WA 98104  
(206) 623-8861

1 Mr. Taraday will testify regarding communications with Plaintiff and/or observed  
2 conduct by Plaintiff. Depending on the issues at trial, Mr. Taraday may be called to testify  
3 regarding non-privileged communications with Mayors and Councilmembers of the City of  
4 Edmonds. By identifying Mr. Taraday as an individual with knowledge of facts, the City  
5 does not intent to waive any attorney-client work product, executive session, or other  
6 privileges that may apply.

7  
8 9. K. Michael Plunkett  
9 Former Edmonds Councilmember  
10 c/o counsel Michael Bolasina  
11 Summit Law Group, PLLC  
12 315 5<sup>th</sup> Avenue S., Suite 1000  
13 Seattle, WA 98104  
14 (206) 676-7000

15 Mr. Plunkett will testify regarding interactions and communications with and  
16 observations of Plaintiff in her role as Human Resources Director for the City of Edmonds,  
17 City governmental and operational structure, operations, budget, Council and committee  
18 meetings. If necessary, Mr. Plunkett will also testify regarding the City Council's adoption  
19 of the 2012 budget and related proceedings.

20 **May Testify:**

21 10. Kimberly Cole, former employee  
22 Address:

23 Ms. Cole may testify via video deposition regarding her interactions with and  
24 Plaintiff and Mayor Cooper, complaints about Ms. Humann, and facts related to her own  
25 employment with Edmonds.

26 11. Diane Buckshnis, Councilmember  
27 c/o Jayne L. Freeman  
28 Keating, Bucklin & McCormack, Inc., P.S.  
800 Fifth Avenue, Suite 4141  
Seattle, WA 98104  
(206) 623-8861



1 Ms. Buckshnis may testify regarding plaintiff's conduct and/or engaging in  
2 communications with or regarding Plaintiff and/or the Human Resources and/or finance staff,  
3 issues, or committees, City of Edmonds governmental and organizational structure, City  
4 operations, business, and finances. By identifying this individual as potentially having  
5 knowledge of information, the City does not intend to waive any privileges that may apply to  
6 such knowledge, including but not limited to attorney-client or work product privileges or  
7 Executive Session privileges. If necessary depending on the issues remaining at trial, this  
8 witness may also testify regarding the City budget, Council meetings, and adoption of the  
9 2012 budget.

10  
11 12. Steve Bernheim, Former Councilmember  
12 c/o Jayne L. Freeman  
13 Keating, Bucklin & McCormack, Inc., P.S.  
14 800 Fifth Avenue, Suite 4141  
Seattle, WA 98104  
(206) 623-8861

15 Mr. Bernheim may testify regarding plaintiff's conduct and/or communications with  
16 or regarding Plaintiff and/or the Human Resources and/or finance staff, issues, or  
17 committees, City of Edmonds governmental and organizational structure, City operations,  
18 business, and finances. By identifying this individual as potentially having knowledge of  
19 information, the City does not intend to waive any privileges that may apply to such  
20 knowledge, including but not limited to attorney-client or work product privileges, or  
21 Executive Session privileges. If necessary depending on the issues remaining at trial, this  
22 witness may also testify regarding the City budget, Council meetings, and adoption of the  
23 2012 budget.

24  
25 13. Adrienne Fraley-Monillas, Councilmember  
26 c/o Jayne L. Freeman  
27 Keating, Bucklin & McCormack, Inc., P.S.  
28 800 Fifth Avenue, Suite 4141  
Seattle, WA 98104  
(206) 623-8861

1 This individual may have witnessed plaintiff's conduct and/or engaged in  
2 communications with or regarding Plaintiff, and/or the Human Resources and/or finance  
3 staff, issues, or committees, City of Edmonds governmental and organizational structure,  
4 City operations, business, and finances, including labor negotiations. By identifying this  
5 individual as potentially having knowledge of information, the City does not intend to waive  
6 any privileges that may apply to such knowledge, including but not limited to attorney-client  
7 or work product privileges or Executive Session privileges. If necessary depending on the  
8 issues remaining at trial, this witness may also testify regarding the City budget, Council  
9 meetings, and adoption of the 2012 budget.

10  
11 14. Strom Peterson, Councilmember  
12 c/o Jayne L. Freeman  
13 Keating, Bucklin & McCormack, Inc., P.S.  
14 800 Fifth Avenue, Suite 4141  
Seattle, WA 98104  
(206) 623-8861

15 This individual may have witnessed plaintiff's conduct and/or engaged in  
16 communications with or regarding Plaintiff and/or the Human Resources and/or finance staff,  
17 issues, or committees, City of Edmonds governmental and organizational structure, City  
18 operations, business, and finances. By identifying this individual as potentially having  
19 knowledge of information, the City does not intend to waive any privileges that may apply to  
20 such knowledge, including but not limited to attorney-client or work product privileges or  
21 Executive Session privileges. If necessary depending on the issues remaining at trial, this  
22 witness may also testify regarding the City budget, Council meetings, and adoption of the  
23 2012 budget.

24 15. Lora Petso, Councilmember  
25 c/o Jayne L. Freeman  
26 Keating, Bucklin & McCormack, Inc., P.S.  
27 800 Fifth Avenue, Suite 4141  
28 Seattle, WA 98104  
(206) 623-8861

1 This individual may have witnessed plaintiff's conduct and/or engaged in  
2 communications with or regarding Plaintiff and/or the Human Resources and/or finance staff,  
3 issues, or committees, City of Edmonds governmental and organizational structure, City  
4 operations, business, and finances. By identifying this individual as potentially having  
5 knowledge of information, the City does not intend to waive any privileges that may apply to  
6 such knowledge, including but not limited to attorney-client or work product privileges or  
7 Executive Session privileges. If necessary depending on the issues remaining at trial, this  
8 witness may also testify regarding the City budget, Council meetings, and adoption of the  
9 2012 budget.

10  
11 16. Courtney Craft, State Auditor's Office  
12 Washington State Auditor's Office  
13 3501 Colby Ave, Suite 100B  
14 Everett, WA 98201  
15 (425)257-2149

16 Ms. Craft may testify regarding knowledge of the State Auditor's Office  
17 communications with Edmonds employees and audit activities.

18 17. Shawn Hunstock, Finance Director  
19 c/o Jayne L. Freeman  
20 Keating, Bucklin & McCormack, Inc., P.S.  
21 800 Fifth Avenue, Suite 4141  
22 Seattle, WA 98104  
23 (206) 623-8861

24 Mr. Hunstock may be called to testify regarding City of Edmonds organizational  
25 structure, operations, Finance Department, budget, and activities involving the State  
26 Auditor's Office.

27 **A. On behalf of defendant Cooper:**

28 1. Defendant Cooper may call the witnesses identified in Defendant City of  
Edmonds and David Earling's Pretrial Statement, which is incorporated herein by reference.

2. In addition, this defendant may call:

DJ Wilson  
c/o Jayne L. Freeman

*Possible Witness Only*

Keating, Bucklin & McCormack, Inc., P.S.  
800 Fifth Ave., Ste. 4141  
Seattle, WA 98104  
(206) 623-8861

Mr. Wilson may testify regarding working and communicating with Plaintiff, his observations of Plaintiff's conduct and behavior toward Council Members, and his knowledge as set forth in his deposition taken in this matter.

## XII. EXHIBITS

### B. Plaintiff Debi Humann's Exhibits (#1 – 167)

Exhibit No.	Date	Bates No.	Document	Admitted	Auth. Stip. / Admiss. disputed	Auth. / Admiss. disputed	Admitted
1.	(2010-2011)	ED 1041-43	Human Resources Analyst Job Description	x			
2.	(2011-2011)	ED 1044-1046	Human Resources Director Job Description	x			
3.	1/1/06 & 1/1/10	DHRPR-00710; DHRPR-00669	Debi Humann Human Resources Certifications 1/1/2006 & 1/1/2010	x			
4.	2014	Cordon Ex. 11	HR Certification Institute Materials			x	
5.			Summary of Humann Performance Evaluations (FRE 1006)			x	
6.	1999-2010	See Exhibit 6 PDF	Humann Performance Evaluations		x		
7.			Summary of Humann Human Resources Training & Education (FRE 1006)			x	

8.		See Exhibit 8 PDF	Humann Training & Education Records		x		
9.		DHRPR-00782;ED 2066	Salary History of Debi Humann	x			
10.	1/1/07	DLH-00735	City of Edmonds Humanitarian Award		x		
11.	1/11/08	ED 3911	Memorandum re: HR Staffing		x		
12.	3/10/08	DLH-00748-00751	Humann Performance Appraisal		x		
13.	7/9/08	ED 001511	Promotion Announcement		x		
14.	6/15/09	DLH-00747	Humann Performance Appraisal		x		
15.	3/24/10	DLH-00743-00746	Humann Performance Appraisal		x		
16.		DLH-00710-13	Humann Letters of Recommendation		x		
17.	4/12/10	DLH-03497-03498; 03556	File notations by Dave Gossett			x	
18.	2010-2011	ED 1047-1049	Executive Assistant Job Description		x		
19.	7/3/10	ED 00284-286	Executive Assistant to the Mayor Employment Announcement	x			
20.	7/25/10	ED 03895-03896	Application for Employment by Kimberly Cole		x		
21.	8/2/10	ED 03891	Receipt of Personnel Policies (Cole)		x		
22.	8/2/10	ED 03889	Personnel Status Report (new hire Kimberly Cole)	x			